

PATENT**Atty Docket No.: 200310137-1**
App. Ser. No.: 10/628,369**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

By virtue of the amendments above, Claim 27 has been amended and Claim 28 has been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-27 and 29-39 are pending in the present application of which Claims 1, 16, 24, 27, 29, and 33 are independent.

No new matter has been introduced by way of the claim amendment; entry thereof is therefore respectfully requested.

Personal Interview Conducted

The Examiner is respectfully thanked for the courtesies extended to the undersigned during the personal interview conducted on February 15, 2006. As was clearly pointed out during that interview, Chibou et al. fails to disclose a number of features claimed in the present application. For instance, Chibou et al. fails to disclose a detecting device that is imaged by a reader device. Instead, Chibou et al. discloses an infrared ray temperature sensor (2) used to detect a presence or absence of a person in a room. In addition, Chibou et al. fails to disclose many of the features claimed in the depending claims, such as, the use of a color calibration patch.

As also discussed during that interview, the double patenting rejections based upon copending Application Serial Nos. 10/639,428 and 10/446,867 are improper because neither of these applications for patent disclose the use of a detecting device that is imaged by a reader device. As such, the proposed combinations of these applications for patent and the

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Chibou et al. disclosure would still fail to disclose all of the features of the claimed invention and the double patenting rejection is improper.

For at least the foregoing reasons, it is respectfully submitted that Claims 1-39 are allowable over the cited references of record. Further distinctions between the claimed invention and the cited references of record, however, are discussed in greater detail herein below.

Election/Restrictions

The indication that the Restriction Requirement dated August 18, 2005 has been withdrawn and that all of the claims pending in the present application have been examined is noted with appreciation.

Drawings

The indication that the drawings filed on July 29, 2003 have been accepted is also noted with appreciation.

Claim Rejection Under 35 U.S.C. §102 or 35 U.S.C. §103(a)**Rejections**

Claims 1-14, 16-21, 23-37, and 39 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent No. JP 2,078,848 to Chibou et al. In the alternative, Claims 1-14, 16-21, 23-37, and 39 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chibou et al.

For at least the reasons set forth below, Chibou et al. fails to anticipate or render obvious all of the features of at least independent Claims 1, 16, 24, 27, 29, and 33.

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Accordingly, independent Claims 1, 16, 24, 27, 29, and 33, and the claims that depend therefrom, are allowable over the disclosure contained in Chibou et al.

Discussion of the Law

35 U.S.C. § 102